

Whitman Breed Abbott & Morgan LLP  
File No. KM39091-70

DECLARATION AND POWER OF ATTORNEY

I, a below named inventor, declare that:

My citizenship, residence and Post Office Address are as stated below next to my name;

I believe I am the original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled: **RATE MEASUREMENTS OF BIOMOLECULAR REACTIONS USING ELECTROCHEMILUMINESCENCE**, the specification of which is attached hereto;

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

This is an application to reissue my U.S. Patent 5,527,710, granted June 18, 1996. Applicants verily believe that such patent is wholly or partially inoperative or invalid by reason of the patentee claiming less than he had a right to claim in the patent. Specifically, the claims are insufficient in that they totally fail to claim the method for determining the time course of a reaction and method for determining concentration of a reactant set forth in the new claims added in this reissue application. The new claims do not recite steps (c) - (k) of Claim 1 or limit the claims to a specific type of reaction.

A copy of the claims of my U.S. Patent No. 5,527,710 is attached. The language of each independent claim describing features for which there is no counterpart in the broadest of the new claim 37 in that reissue application is underlined.

The error that was made which is relied on as a basis for this reissue application was the error of failing to realize that applicants had disclosed but not claimed the invention set forth in the accompanying new claims, and instead claimed only a different invention which also was disclosed in the same patent application.

Applicants realized and recognized their error upon reviewing the claims granted in the patent which were found to be limited to one embodiment of the invention rather than properly covering the what applicant had a right to claim.

This error occurred because we were concentrating so intently on the proper protection of the other invention to which the claims of our patent were directed that we simply overlooked the invention for which claims now are being filed.

The foregoing errors arose without any deceptive intention on our part.

We hereby appoint Barry Evans, Registration No. 22,802, John E. Boyd, Registration No. 38,055, and Whitman Breed Abbott & Morgan LLP or their duly appointed associates, our attorneys, with full power of substitution and revocation to prosecute this application, to make alterations and amendments therein, to file continuation and divisional applications thereof, to receive the Patent, and to transact all business in the Patent and Trademark Office and in the Courts in connection therewith, and specify that all communications

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OK 05/03/00  
MTC

about the application are to be directed to the following correspondence address:

Barry Evans, Esq.  
Whitman Breed Abbott & Morgan LLP  
200 Park Avenue  
New York, New York 10166

Direct all telephone calls to:  
(212) 351-3000  
to the attention of:  
Barry Evans, Esq.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

INTENTOR(S):

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Full name of first inventor: Laurette Nacamulli  
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Signature: *J. Leland* Date: 6-17-98

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Signature: *Stephanie A. Hayes* Date: 6-17-98

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PATENT NUMBER: 5527710  
SERIAL NUMBER: 08/347984  
ISSUE DATE: 06/18/96  
FILING DATE: 12/02/94  
TITLE: RATE MEASUREMENTS OF BIOMOLECULAR REACTIONS USING  
ELECTROCHEMILUMINESCENCE  
APPLICANT: NACAMULLI, LAURETTE ; LELAND, JONATHAN K.  
HAYES, STEPHANIE A.

REEL: 7488 FRAME: 0828 MAILROOM DT: 03/16/95 NEW APP FIL RCPT DT: 00/00/00  
DATE IN ASSIGNMENTS: 06/06/95 DT MAILED: 02/16/96  
DATE RECORDED: 03/16/95 NUMBER OF PAGES: 006

ASSIGNOR: NACAMULLI, LAURETTE

EXC DATE: 01/30/95  
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EXC DATE: 01/30/95

06/29/98 12:00

YOU HAVE MORE SCREENS, PRESS THE ASSNR KEYS & SEND FOR NEXT SCREEN  
ASSIGNEE: IGEN, INC.  
16020 INDUSTRIAL DRIVE  
GAITHERSBURG, MARYLAND 20877

BRIEF:

ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).  
RETURN ADDRESS: IGEN, INC.  
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NO MORE INFORMATION FOR THIS PATENT NUMBER 06/29/98 12:00